



PC-AL-020-026

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

FILED

CALIPH WASHINGTON, HOSEA L.)
WILLIAMS, JULIA ALLEN,)
individually and as Mother)
and next friend of WILLIE)
ALLEN, a minor, WILLIE)
ALLEN, AGNES BEAVERS,)
individually and as Mother)
and next friend of CECIL)
MCCARGO, JR., a minor, CECIL)
MCCARGO, JR., JOHNNIE COLEMAN,)
and THOMAS E. HOUCK, JR., for)
themselves, jointly and)
severally, and for all others)
similarly situated,)

PLAINTIFFS,)

VS.)

CIVIL ACTION NO. 2350-N

FRANK LEE as Commissioner of)
Corrections of Alabama, JOHN)
F. BRITTON, CHARLIE CASHION,)
HERSCHELL LUTTRELL, DR. MAX)
MCLAUGHLIN and WILLIAM MITCH,)
as members of the Board of)
Corrections of Alabama, A.)
MELVIN BAILEY, as Sheriff of)
Jefferson County, Alabama and)
all other sheriffs of Alabama,)
jointly and severally, who are)
similarly situated, ROBERT K.)
AUSTIN as Warden of the City)
Jail of Birmingham, Alabama,)
and all other wardens and)
jailers of city and town jails)
of Alabama, jointly and)
severally, who are similarly)
situated,)

DEFENDANTS.)

MOTION FOR MODIFICATION
OF THE COURT'S ORDER

Come now the Defendants, Alabama Board of Corrections and its
Commissioner, and move the Court to modify its Order in the above-styled
cause, and for grounds for such Motion, Defendants show unto the Court
as follows:

APR 25 1973

JANE R. GORDON, CLERK
BY _____
DEPUTY CLERK

1. That on December 12, 1966, this Honorable Court held statutes of the State of Alabama requiring segregation of races in prisons and jails of Alabama were violative of the Fourteenth Amendment.

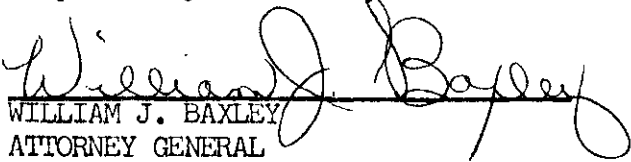
2. In such Order the Court directed the Board of Corrections of the State of Alabama and its Commissioner to supervise the racial desegregation of every county and municipal jail in the State of Alabama and to report to the Court periodically.

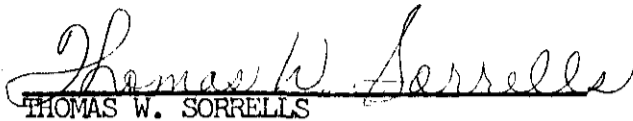
3. That as the Court noted in its Order, it is the duty of the Board of Corrections and its Commissioner pursuant to the Code of Alabama, Title 45, Sections 3, 7, 10(1), 10(5), 10(8), and 11, to inspect and generally supervise every county and municipal jail or prison in any incorporated town or city in the State of Alabama having 10,000 or more population.

4. That the jails of cities and towns less than 10,000 population frequently have few or no prisoners in custody at any one time and that regular trips to jails in these small towns are frequently of little benefit; and provide little information as to racial discrimination. That more effective supervision of racial desegregation in these small jails could best be made through investigations of complaints of racial discrimination in those facilities.

WHEREFORE, THE PREMISES CONSIDERED, Defendants, Alabama Board of Corrections and its Commissioner, respectfully move this Court to modify its Order allowing them to make regular visits to all county jails and jails of those cities which have a population exceeding 10,000 and to supervise the racial desegregation of jails in towns with less than 10,000 population in response to complaints concerning racial discrimination in those facilities.

Respectfully submitted,


WILLIAM J. BAXLEY
ATTORNEY GENERAL



THOMAS W. SORRELLS
ASSISTANT ATTORNEY GENERAL

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 1973, I did serve copies of the foregoing Motion for Modification of the Court's Order on the attorneys for Plaintiffs, by mailing said copies to them, postage prepaid, and addressed as follows:

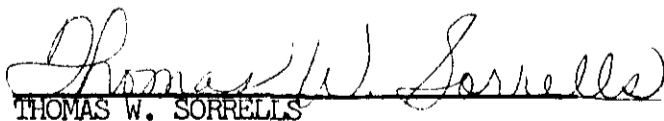
Honorable Charles Morgan, Jr.
American Civil Liberties Union
5 Forsyth Street, NW
Atlanta, Georgia

Honorable Orzell Billingsley, Jr.
1630 4th Avenue, North
Birmingham, Alabama

Honorable Melvin L. Wulf
156 5th Ave.
New York City, New York

Honorable A. J. Cooper, Jr.
Crawford, Fields, & Cooper
1407 Davis Avenue
Mobile, Alabama 36603

Honorable Jack Drake
Drake, Knowles & Still
P. O. Box 6144
University, Alabama 35486



THOMAS W. SORRELLS
ASSISTANT ATTORNEY GENERAL

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American Civil Liberties Union

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January 28, 1971

Charles Morgan, Jr.
Director

FEB 1 1971

CLERK
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Clerk - U. S. District Court
Montgomery, Alabama 36104

RE: Washington v. Lee
Civil Action No. 2350-N

Dear Sir:

Please enter the name of A. J. Cooper, Jr. as
co-counsel of record in the above cause.

Sincerely,

Charles Morgan, Jr.
Charles Morgan, Jr.

CM/ijj

cc: A. J. Cooper, Jr.
CRAWFORD, FIELDS & COOPER
Attorneys at Law
1407 Davis Avenue
Mobile, Alabama 36603

National Headquarters 156 Fifth Ave. New York, N.Y. 10010
Washington Office — 1424 Sixteenth St., N.W., Washington, D.C. 20036 — Lawrence Speiser, Director

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October 13, 1970

Mr. Charles Morgan, Jr.
Attorney at Law
5 Versyth Street, N.W.
Atlanta, Georgia

Hon. MacDonald Gallion
Attorney General
State of Alabama
Montgomery, Alabama

Attention: Mr. Gordon Madison,
Assistant Attorney General

Re: Washington, et al. v. Lee, et al.
Civil Action No. 2350-N

Gentlemen:

I am enclosing a copy of a complaint that I have received
and also a copy of an order that I have entered this date denying same;
a copy of the complaint is sent to you for your information.

Very truly yours,

FRANK M. JOHNSON, JR.
United States District Judge

Encs.